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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,190	02/17/2004	Kueun Choi	ChoiKueun	9922

7590 04/15/2005  
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EXAMINER

MILLER, WILLIAM L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,190	<b>Applicant(s)</b> CHOI, KUEUN	
	<b>Examiner</b> William L. Miller	<b>Art Unit</b> 3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 5 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02172004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because of the following: the abstract should be limited to a single paragraph. Correction is required. See MPEP § 608.01(b).
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to recite the ornamental details of claims 2-4, 6, 8-10, and 12.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flag symbols and figures (claims 3, 4, 9, and 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. Claims 2-6 and 8-12 are objected to because of the following informalities: the phrase "said indicator flag element" lacks antecedent basis (claims 2-4 and 8-10; the phrase "said weighted element" lacks antecedent basis (claims 5, 6, 11, and 12); and the phrase "said indicator flag stand element" lacks antecedent basis (claims 5 and 11). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6, 7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mancuso (US#2804262).

7. Regarding claims 1 and 7, Mancuso discloses a mail delivery indicator system designed for a mailbox 6 having side portions 8, and a front door 10 pivotally mounted thereon, comprising: a) an elongated delivery indicator flagstaff 22 with a flagged end 26 and a weighted end 32 of said elongated delivery indicator flagstaff; b) said elongated delivery indicator flagstaff being balanced at a pivotal point 24 between said flagged end and said weighted end, and attached to a side wall mounting bracket means 20; c) said side wall mounting bracket means

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adapted to be attached to one of said side portions of said mailbox; d) said weighted end having sufficient weight in relation to said flagged end to cause said flagged end to be normally disposed above said weighted end in a generally vertical signaling position; e) a latch means 12 adapted to be attached to said mailbox front door and projecting laterally across the front edge of one of said side portions of said mailbox; f) said latch means adapted to hold said flagged end in a generally horizontal non- signaling position while said mailbox front door is closed and to release said flagged end when said mailbox front door is opened thereby causing said flagged end to traverse rotationally backward away from said mailbox front door to a generally vertical signaling position by the force of gravity associated with said weighted end of said elongated delivery indicator flagstaff (Fig. 2); and g) said flagged end being configured to be visible above said mailbox from a variety of directions while said elongated delivery indicator flagstaff is disposed in a generally vertical signaling position.

8. Regarding claims 6 and 12, the shape of weighted element 34 is being viewed as representing an "other creature".

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mancuso in view of Windrem (US#5004148).

11. Mancuso fails to disclose the flag element as a strip or patch of reflective material representing national, regional, or state colors as claimed by the applicant. Windrem discloses a similar mail delivery indicator system wherein the flag element includes a strip 12 of reflective material for increased visibility purposes, the inherent color and arrangement of the specific reflectors 12a is being viewed as representing national, regional, or state colors. Therefore, as taught by Windrem, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mancuso such that the flag element included a strip 12 of reflective material representing national, regional, or state colors for increased visibility purposes.

12. Claims 3, 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mancuso.

13. Regarding claims 3 and 9, although Mancuso discloses the flag element 28 as a plate, Mancuso fails to specifically disclose the flag element being metallic as claimed by the applicant. However, metallic flag elements are well known in the art as evidenced by Sprick et al. (US#2505309) (see metallic flag 32), and it would have been an obvious design choice to utilize a metallic flag element as the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

14. Regarding claims 3, 4, 9, and 10, although Mancuso fails to specifically disclose the claimed ornamental symbols displayed on the flag element, these symbols serve no mechanical function and are not a critical feature of the invention as the applicant admits on page 7 of the

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specification, "The indicator flag element 1 may be designed and constructed in a variety of ways appealing to the viewers." Therefore, it would have been an obvious design choice to display the claimed ornamental symbols on the flag element as a change in ornamental design having no mechanical function is an aesthetic design consideration within the skill of the art. In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

***Allowable Subject Matter***

15. Claims 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

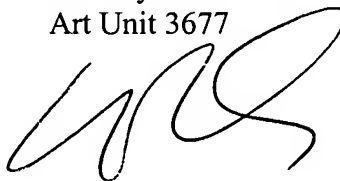
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller  
Primary Examiner  
Art Unit 3677

A handwritten signature in black ink, appearing to be 'WLM', written over the printed name and title.

WLM